General Permits Under the National Pollutant Discharge Elimination System (NPDES) for Hydroelectric Generating Facilities in the States of Massachusetts and New Hampshire and Tribal Lands in Massachusetts.

This permit is organized as a single permit with the effluent limitations and specific conditions for facilities in Massachusetts (including both Commonwealth and Tribal Lands) and New Hampshire in Part I.A. and Part I.B., respectively. Additional State or Tribal Land conditions are contained in Part I.J. Part I.C. through Part I.K., Part II, Part III, and Attachment I are common to both permits.

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PART I - GENERAL PERMITS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES).

A. Massachusetts General Permit, Permit No. MAG360000

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §§ 1251 et seq.; the "CWA"), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§ 26-53), operators of hydroelectric generating facilities located in Massachusetts (including both Commonwealth and Tribal Lands), which discharge equipment cooling waters, equipment and floor drain water, equipment backwash strainer water, and specific maintenance waters from the facility to the classes of waters as designated in the Massachusetts Water Quality Standards, 314 CMR 4.00 et seq.; are authorized to discharge to all waters, unless otherwise restricted, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective on the date specified in the notice of availability published in the Federal Register.

This permit and the authorization to discharge expire at midnight, five years from the effective date, which is the date specified in the notice of availability, for the general permit published in the Federal Register.

Signed this 10th day of November 2009

/s/ SIGNATURE ON FILE

Ken Moraff, Acting Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency (EPA)
Boston, MA

/s/ SIGNATURE ON FILE

Glenn Haas, Director
Division of Watershed Management
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

A. 1. Effluent Limitations and Monitoring Requirements for Equipment-Related Cooling Water

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge equipment-related cooling water from the following operations: noncontact cooling water and direct cooling water. Each outfall discharging equipment-related cooling water shall be limited and monitored by the permittee as specified below in accordance with the receiving water classification when indicated. Monitoring for each outfall is to be conducted and reported in accordance with Part I.A.6 and Part I.E.

Effluent Characteristic	Units	Discharge Limitation	Monitoring Requirement	
		Average Monthly	Measurement Frequency	Sample Type
Flow [1]	gpd	Report	1/Quarter	Estimate
pH Range for Class A and Class B waters [2]	Standard Units	6.5 to 8.3	1/Quarter	Grab
pH Range for Class SA and Class SB waters [3]	Standard Units	6.5 to 8.5	1/Quarter	Grab
Temperature	^{o} F	Report	1/Quarter	Grab

Explanation to Superscripts to Part I.A.1.:

(1) The No Data Indicator Code (NODI) C applies when there is no discharge from the outfall and is entered on the monthly Discharge Monitoring Report (DMR). A written explanation for the NODI is required with the DMR report. Additional NODI codes applicable to other conditions are found in the annual NPDES Permit Program Instructions for the DMRs forms. These instructions can be found at: http://www.epa.gov/ne/enforcementandassistance/dmr.html.

(2) The pH shall be in the specified range or within 0.5 units of the background pH. For purposes of this permit, the background pH is the receiving water pH measured upstream of the facility at a location that is representative of upstream conditions unaffected by the facility. If the discharge pH exceeds the specified range, the permittee may use the background pH to demonstrate compliance by showing that the discharge pH is within 0.5 units of the background pH. The background pH and the discharge pH shall be measured on the same day. The background pH results shall be submitted as an attachment with the DMR. State certification requirement.

(3) The pH shall be in the specified range or within 0.2 units of the background pH. For purposes of this permit, the background pH is the receiving water pH measured upstream of the facility at a location that is representative of upstream conditions unaffected by the facility. If the discharge pH exceeds the specified range, the permittee may use the background pH to demonstrate compliance by showing that the discharge pH is within 0.2 units of the background pH. The background pH and the discharge pH shall be measured on the same day. The background pH results shall be submitted as an attachment with the DMR. State certification requirement.

A. 2. Effluent Limitations and Monitoring Requirements for Equipment and Floor Drain Water

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge equipment and floor drain water from the following operations: floor drains, trench drains, station sumps, oil/water separators, wheel pit drains or sumps, compressor blowdowns, equipment and seal leakage, lower guide bearing drains and other bearing-related discharges, various pit drains, and miscellaneous infiltration and seepage waters collected in a sump or an oil/water separator. Each outfall discharging equipment and floor drain water shall be limited and monitored by the permittee as specified below in accordance with the receiving water classification when indicated. Monitoring for each outfall is to be conducted and reported in accordance with Part I.A.6 and Part I.E.

Effluent Characteristic	Units	Discharge Limitation	Monitoring Requirement	
		Average Monthly	Measurement Frequency	Sample Type
Flow [1]	Gpd	Report	1/Quarter	Estimate
pH Range for Class A and Class B waters [2]	Standard Units	6.5 to 8.3	1/Quarter	Grab
pH Range for Class SA and Class SB waters [3]	Standard Units	6.5 to 8.5	1/Quarter	Grab
Oil and Grease for Class A and Class SA waters [4]	mg/L	0.0 , See Part I.A.13	1/Quarter	Grab
Oil and Grease for Class B and Class SB waters [4]	mg/L	15	1/Quarter	Grab

Explanation to Superscripts to Part I.A.2.:

(1) The No Data Indicator Code (NODI) C applies when there is no discharge from the outfall and is entered on the monthly Discharge Monitoring Report (DMR). A written explanation for the NODI is required with the DMR report. Additional NODI codes applicable to other conditions are found in the annual NPDES Permit Program Instructions for the DMRs forms. These instructions can be found at: http://www.epa.gov/ne/enforcementandassistance/dmr.html.

(2) The pH shall be in the specified range or within 0.5 units of the background pH. For purposes of this permit, the background pH is the receiving water pH measured upstream of the facility at a location that is representative of upstream conditions unaffected by the facility. If the discharge pH exceeds the specified range, the permittee may use the background pH to demonstrate compliance by showing that the discharge pH is within 0.5 units of the background pH. The background pH and the discharge pH shall be measured on the same day. The background pH results shall be submitted as an attachment with the DMR. State certification requirement.

(3) The pH shall be in the specified range or within 0.2 units of the background pH. For purposes of this permit, the background pH is the receiving water pH measured upstream of the facility at a location that is representative of upstream conditions unaffected by the facility. If the discharge pH exceeds the specified range, the permittee may use the background pH to demonstrate compliance by showing that the discharge pH is within 0.2 units of the background pH. The background pH and the discharge pH shall be measured on the same day. The background pH results shall be submitted as an attachment with the DMR. State certification requirement.

(4) Oil and Grease shall be tested using EPA test method 1664 Revision A as approved in 40 CFR 136.

A. 3. Effluent Limitations and Monitoring Requirements for Maintenance-Related Water

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge maintenance-related water from sump dewatering. Each outfall discharging maintenance-related water shall be limited and monitored by the permittee as specified below in accordance with the receiving water classification when indicated. Monitoring for each outfall is to be conducted and reported in accordance with Part I.A.6 and Part I.E.

Effluent Characteristic	Units	Discharge Limitation	Monitoring Requirement	
		Average Monthly	Measurement Frequency	Sample Type
Flow [1]	Gpd	Report	1/Year	Estimate
pH Range for Class A and Class B waters [2]	Standard Units	6.5 to 8.3	1/Year	Grab
pH Range for Class SA and Class SB waters [3]	Standard Units	6.5 to 8.5	1/Year	Grab
Oil and Grease for Class A and Class SA waters [4]	mg/L	0.0, See Part I.A.13	1/Year	Grab
Oil and Grease for Class B and Class SB waters [4]	mg/L	15	1/Year	Grab

Explanation to Superscripts to Part I.A.3.:

(1) The No Data Indicator Code (NODI) C applies when there is no discharge from the outfall and is entered on the monthly Discharge Monitoring Report (DMR). A written explanation for the NODI is required with the DMR report. Additional NODI codes applicable to other conditions are found in the annual NPDES Permit Program Instructions for the DMRs forms. These instructions can be found at: http://www.epa.gov/ne/enforcementandassistance/dmr.html.

(2) The pH shall be in the specified range or within 0.5 units of the background pH. For purposes of this permit, the background pH is the receiving water pH measured upstream of the facility at a location that is representative of upstream conditions unaffected by the facility. If the discharge pH exceeds the specified range, the permittee may use the background pH to demonstrate compliance by showing that the discharge pH is within 0.5 units of the background pH. The background pH and the discharge pH shall be measured on the same day. The background pH results shall be submitted as an attachment with the DMR. State certification requirement.

(3) The pH shall be in the specified range or within 0.2 units of the background pH. For purposes of this permit, the background pH is the receiving water pH measured upstream of the facility at a location that is representative of upstream conditions unaffected by the facility. If the discharge pH exceeds the specified range, the permittee may use the background pH to demonstrate compliance by showing that the discharge pH is within 0.2 units of the background pH. The background pH and the discharge pH shall be measured on the same day. The background pH results shall be submitted as an attachment with the DMR. State certification requirement.

(4) Oil and Grease shall be tested using EPA test method 1664 Revision A as approved in 40 CFR 136.

A.4. Effluent Limitations and Monitoring Requirements for Facility Maintenance-Related Water during Flood/High Water Events and for Equipment-Related Backwash Strainer Water During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge facility maintenance-related water during flood/high water events from flood water pumps, high water sump pumps, and miscellaneous flood/high water collection devices; and to discharge equipment-related backwash strainer water from the operation of the backwash strainer on the cooling water intake line. Monitoring for each outfall is to be conducted and reported in accordance with Part I.A.6 and Part I.E.

Monitoring and reporting requirements for facility maintenance-related water during flood/high water events are: the date and approximate duration of each flood/high water discharge event shall be reported as an attachment to the monthly DMR. Flood/high water discharges shall comply with the requirements in Parts I.D and III.

Monitoring for equipment-related backwash strainer water is not required.

A.5. Effluent Limitations and Monitoring Requirements for Any Combination of the Following: Equipment-Related Cooling Water, Equipment and Floor Drain Water, Maintenance-Related Water, Equipment-Related Backwash Strainer Water, and Facility Maintenance-Related Water During Flood/High Water Events During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge a combination of two or more of the following from the associated operations identified in Parts I.A.1, A.2, A.3, and A.4.: equipment-related cooling water, equipment and floor drain water (includes internal drainage system with a sump or an oil/water separator present), maintenance-related water, equipment-related backwash strainer water, and facility maintenance-related water during flood/high water events. Each outfall with these combined discharges shall be limited and monitored by the permittee as specified below in accordance with the receiving water classification when indicated. The Limit and Monitor column lists the effluent limitations and monitoring requirements applicable to the combined discharges. Monitoring for each outfall is to be conducted and reported in accordance with Part I.A.6 and Part I.E.

Monitoring and reporting requirements for facility maintenance-related water during flood/high water events are: the date and approximate duration of each flood/high water discharge event shall be reported as an attachment to the monthly DMR. Flood/high water discharges shall comply with the requirements in Parts I.D and III.

Monitoring for equipment-related backwash strainer water is not required.

Effluent Characteristic	Limit and Monitor	Units	Discharge Limitation	Monitoring Requirement	
			Average Monthly	Measurement Frequency	Sample Type
Flow [1]	All	gpd	Report	1/Quarter	Estimate
pH Range for Class A and Class B waters [2,]	All	Standard Units	6.5 to 8.3	1/Quarter	Grab
pH Range for Class SA and Class SB waters [3]	All	Standard Units	6.5 to 8.5	1/Quarter	Grab
Oil and Grease for Class A and Class SA waters [4]	(see note 6)	mg/L	0.0, See Part I.A.13	1/Quarter	Grab
Oil and Grease for Class B and Class SB waters [4]	(see note 6)	mg/L	15	1/Quarter	Grab
Temperature	(see note 7)	$^{\circ}$ F	Report	1/Quarter	Grab

See page 6 for the explanation to the Superscripts and Notes.

Explanation to Superscripts and Notes to Part I.A.5. on page 6:

(1) The No Data Indicator Code (NODI) C applies when there is no discharge from the outfall and is entered on the monthly Discharge Monitoring Report (DMR). A written explanation for the NODI is required with the DMR report. Additional NODI codes applicable to other conditions are found in the annual NPDES Permit Program Instructions for the DMRs forms. These instructions can be found at: http://www.epa.gov/ne/enforcementandassistance/dmr.html.

(2) The pH shall be in the specified range or within 0.5 units of the background pH. For purposes of this permit, the background pH is the receiving water pH measured upstream of the facility at a location that is representative of upstream conditions unaffected by the facility. If the discharge pH exceeds the specified range, the permittee may use the background pH to demonstrate compliance by showing that the discharge pH is within 0.5 units of the background pH. The background pH and the discharge pH shall be measured on the same day. The background pH results shall be submitted as an attachment with the DMR. State certification requirement.

(3) The pH shall be in the specified range or within 0.2 units of the background pH. For purposes of this permit, the background pH is the receiving water pH measured upstream of the facility at a location that is representative of upstream conditions unaffected by the facility. If the discharge pH exceeds the specified range, the permittee may use the background pH to demonstrate compliance by showing that the discharge pH is within 0.2 units of the background pH. The background pH and the discharge pH shall be measured on the same day. The background pH results shall be submitted as an attachment with the DMR. State certification requirement.

(4) Oil and Grease shall be tested using EPA test method 1664 Revision A as approved in 40 CFR 136.

Note 6: The effluent limitations and monitoring requirements for Oil and Grease apply to outfalls discharging equipment and floor drain water or facility maintenance-related water.

Note 7: The effluent limitations and monitoring requirements for Temperature apply to outfalls discharging equipment-related cooling water.

A. Effluent Limitations and Monitoring Requirements (continued)

6. Samples taken in compliance with the monitoring requirements specified above shall be taken at a location that provides a representative analysis of the discharge. Where feasible, samples for an outfall shall be taken concurrently. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. Effluent sampling begins with the first complete quarter following the active date of permit coverage.

   If the facility contains two or more outfalls with substantially identical discharges, the permittee may sample the representative outfall once the outfalls are identified and updated as necessary in accordance with Part III.E (Optional Representative Outfall Sampling). The monthly DMR is to include a statement listing the other outfalls with discharges covered by the representative outfall sampling results.

The selected representative outfall shall not be changed in future monitoring periods unless the outfall is eliminated or ceases to be representative. The Director may determine the outfalls are not representative and require sampling of all non-identical outfalls.

7. Solid materials shall be removed from the trash racks or intake screens and disposed of in accordance with the procedures developed in Part III.D.4 (Trash Racks or Intake Screens) of this permit. Installation of trash racks or other equipment to remove the solid materials is not a permit requirement.

8. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

9. The discharge shall not jeopardize any of the uses assigned to the receiving stream and shall not violate applicable water quality standards for the receiving water Class as defined by the State of Massachusetts.

10. There shall be no discharge of floating solids, visible oil sheen or foam other than in trace amounts.

11. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the uses designated by the classification of the receiving waters.

12. The discharge shall not contain materials in concentrations or in combinations which are hazardous or toxic to aquatic life or which would impair the uses designated by the classification of the receiving waters.

13. The limit at which compliance/noncompliance determinations for Oil and Grease will be based is the Minimum Level (ML) which is defined as 5.0 mg/L for Oil and Grease. Any Oil and Grease value below 5.0 mg/L shall be reported as zero.

14. This permit does not allow for the addition of any chemical for any purpose to the discharges except for non-toxic neutralization chemicals. The Commonwealth of Massachusetts will review each identified neutralization chemical to determine its acceptability. In addition, additives used to control biological growth in cooling water are prohibited due to their inherent toxicity to aquatic life.

    For each non-toxic neutralization chemical used the following data must be supplied with the Notice Of Intent letter to be covered by this general permit.

    (1) Name and manufacturer,
    (2) Maximum and average daily quantity used on a monthly basis as well as the maximum and average daily expected concentrations (mg/l) in the discharge, and
    (3) The vendor's reported aquatic toxicity (NOAEL and/or LC50 in % for typically acceptable aquatic organism).

    All substitutions of non-toxic neutralization chemicals must be approved by the State in writing prior to their usage. All written substitution requests must contain the information required in Part I.A.14.(1)-(3) immediately above.

15. The Massachusetts state permit conditions require that all Massachusetts permittees shall comply with the following conditions which are included as state certification requirements.

a. This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection pursuant to M.G.L. Chap.21, §43.

b. Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the agency taking such action, and shall not affect the validity or status of this permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared, invalid, illegal or otherwise issued in violation of state law such permit shall remain in full force and effect under federal law as an NPDES permit issued by the U.S. Environmental Protection Agency. In the event this permit is declared invalid, illegal or otherwise issued in violation of federal law, this permit shall remain in full force and effect under state law as a permit issued by the Commonwealth of Massachusetts.

B. New Hampshire General Permit, Permit No. NHG360000

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §§ 1251 et seq.; the "CWA"), operators of hydroelectric generating facilities located in New Hampshire which discharge equipment cooling waters, equipment and floor drain water, equipment backwash strainer water, and specific maintenance waters from the facility are authorized to discharge to all waters, unless otherwise restricted by the New Hampshire water quality standards, 50 RSA § 485-A:8 and the N.H. Code of Administrative Rules Env-Wq 1700-1709 in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective on the date specified in the notice of availability published in the Federal Register.

This permit and the authorization to discharge expire at midnight, five years from the effective date, which is the date specified in the notice of availability, for the general permit published in the Federal Register.

Signed this 10th day of November 2009

/s/ SIGNATURE ON FILE

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Ken Moraff, Acting Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency (EPA)
Boston, MA

B. 1. Effluent Limitations and Monitoring Requirements for Equipment-Related Cooling Water

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge equipment-related cooling water from the following operations: noncontact cooling water and direct cooling water. Each outfall discharging equipment-related cooling water shall be limited and monitored by the permittee as specified below. Monitoring for each outfall is to be conducted and reported in accordance with Part I.B.6 and Part I.E.

Effluent Characteristic	Units	Discharge Limitation	Monitoring Requirement	
		Average Monthly	Measurement Frequency	Sample Type
Flow [1]	gpd	Report	1/Quarter	Estimate
pH Range [2, 3]	Standard Units	6.5 to 8.0	1/Quarter	Grab
Temperature	^{o}F	Report	1/Quarter	Grab

Explanation to Superscripts to Part I.B.1.:

(1) The No Data Indicator Code (NODI) C applies when there is no discharge from the outfall and is entered on the monthly Discharge Monitoring Report (DMR). A written explanation for the NODI is required with the DMR report. Additional NODI codes applicable to other conditions are found in the annual NPDES Permit Program Instructions for the DMRs forms. These instructions can be found at: http://www.epa.gov/ne/enforcementandassistance/dmr.html.

(2) State certification requirement; see Part I.B.15.a.

(3) Results of the ambient upstream river water pH sampling that are obtained to determine compliance with this limit shall be submitted as an attachment with the DMR.

B. 2. Effluent Limitations and Monitoring Requirements for Equipment and Floor Drain Water

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge equipment and floor drain water from the following operations: floor drains, trench drains, station sumps, oil/water separators, wheel pit drains or sumps, compressor blowdowns, equipment and seal leakage, lower guide bearing drains and other bearing-related discharges, various pit drains, and miscellaneous infiltration and seepage waters collected in a sump or an oil/water separator. Each outfall discharging equipment and floor drain water shall be limited and monitored by the permittee as specified below. Monitoring for each outfall is to be conducted and reported in accordance with Part I.B.6 and Part I.E.

Effluent Characteristic	Units	Discharge Limitation	Monitoring Requirement	
		Average Monthly	Measurement Frequency	Sample Type
Flow [1]	gpd	Report	1/Quarter	Estimate
pH Range [2, 3]	Standard Units	6.5 to 8.0	1/Quarter	Grab
Oil and Grease [4]	mg/L	15	1/Quarter	Grab

Explanation to Superscripts to Part I.B.2.:

(1) The No Data Indicator Code (NODI) C applies when there is no discharge from the outfall and is entered on the monthly Discharge Monitoring Report (DMR. A written explanation for the NODI is required with the DMR report. Additional NODI codes applicable to other conditions are found in the annual NPDES Permit Program Instructions for the DMRs forms. These instructions can be found at: http://www.epa.gov/ne/enforcementandassistance/dmr.html.

(2) State certification requirement; see Part I.B.15.a.

(3) Results of the ambient upstream river water pH sampling that are obtained to determine compliance with this limit shall be submitted as an attachment with the DMR.

(4) Oil and Grease shall be tested using EPA test method 1664 Revision A as approved in 40 CFR 136.

B. 3. Effluent Limitations and Monitoring Requirements for Maintenance-Related Water

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge maintenance-related water from sump dewatering. Each outfall discharging maintenance-related water shall be limited and monitored by the permittee as specified below. Monitoring for each outfall is to be conducted and reported in accordance with Part I.B.6 and Part I.E.

Effluent Characteristic	Units	Discharge Limitation	Monitoring Requirement	
		Average Monthly	Measurement Frequency	Sample Type
Flow [1]	gpd	Report	1/Year	Estimate
pH Range [2, 3]	Standard Units	6.5 to 8.0	1/Year	Grab
Oil and Grease [4]	mg/L	15	1/Year	Grab

Explanation to Superscripts to Part I.B.3.:

(1) The No Data Indicator Code (NODI) C applies when there is no discharge from the outfall and is entered on the monthly Discharge Monitoring Report (DMR. A written explanation for the NODI is required with the DMR report. Additional NODI codes applicable to other conditions are found in the annual NPDES Permit Program Instructions for the DMRs forms. These instructions can be found at: http://www.epa.gov/ne/enforcementandassistance/dmr.html.

(2) State certification requirement; see Part I.B.15.a.

(3) Results of the ambient upstream river water pH sampling that are obtained to determine compliance with this limit shall be submitted as an attachment with the DMR.

(4) Oil and Grease shall be tested using EPA test method 1664 Revision A as approved in 40 CFR 136.

B.4. Effluent Limitations and Monitoring Requirements for Facility Maintenance-Related Water during Flood/High Water Events and for Equipment-Related Backwash Strainer Water During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge facility maintenance-related water during flood/high water events from flood water pumps, high water sump pumps, and miscellaneous flood/high water collection devices; and to discharge equipment-related backwash strainer water from the operation of the backwash strainer on the cooling water intake line. Monitoring for each outfall is to be conducted and reported in accordance with Part I.B.6 and Part I.E.

Monitoring and reporting requirements for facility maintenance-related water during flood/high water events are: the date and approximate duration of each flood/high water discharge event shall be reported as an attachment to the monthly DMR. Flood/high water discharges shall comply with the requirements in Parts I.D and III.

Monitoring for equipment-related backwash strainer water is not required.

B.5. Effluent Limitations and Monitoring Requirements for Any Combination of the Following: Equipment-Related Cooling Water, Equipment and Floor Drain Water, Maintenance-Related Water, Equipment-Related Backwash Strainer Water, and Facility Maintenance-Related Water During Flood/High Water Events During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge a combination of two or more of the following from the associated operations identified in Parts I.B.1, B.2, B.3, and B.4.: equipment-related cooling water, equipment and floor drain water (includes internal drainage system with a sump or an oil/water separator present), maintenance-related water, equipment-related backwash strainer water, and facility maintenance-related water during flood/high water events. Each outfall with these combined discharges shall be limited and monitored by the permittee as specified below. The Limit and Monitor column lists the effluent limitations and monitoring requirements applicable to the combined discharges. Monitoring for each outfall is to be conducted and reported in accordance with Part I.B.6 and Part I.E.

Monitoring and reporting requirements for facility maintenance-related water during flood/high water events in combination with the other identified discharges in this part are: the date and approximate duration of each flood/high water discharge event shall be reported as an attachment to the monthly DMR. Flood/high water discharges shall comply with the requirements in Parts I.D and III.

Monitoring for equipment-related backwash strainer water is not required.

Effluent Characteristic	Limit and Monitor	Units	Discharge Limitation	Monitoring Requirement	
			Average Monthly	Measurement Frequency	Sample Type
Flow [1]	All	gpd	Report	1/Quarter	Estimate
pH Range [2, 3]	All	Standard Units	6.5 to 8.0	1/Quarter	Grab
Oil and Grease [5]	(see note 5)	mg/L	15	1/Quarter	Grab
Temperature	(see note 6)	° F	Report	1/Quarter	Grab

See page 15 for the explanation to the Superscripts and Notes.

Explanation to Superscripts and Notes to Part I.B.5. on page 14:

(1) The No Data Indicator Code (NODI) C applies when there is no discharge from the outfall and is entered on the monthly Discharge Monitoring Report (DMR). A written explanation for the NODI is required with the DMR report. Additional NODI codes applicable to other conditions are found in the annual NPDES Permit Program Instructions for the DMRs forms. These instructions can be found at: http://www.epa.gov/ne/enforcementandassistance/dmr.html.

(2) State certification requirement; see Part I.B.15.a.

(3) Results of the ambient upstream river water pH sampling that are obtained to determine compliance with this limit shall be submitted as an attachment with the DMR.

(4) Oil and Grease shall be tested using EPA test method 1664 Revision A as approved in 40 CFR 136.

Note 5: The effluent limitations and monitoring requirements for Oil and Grease apply to outfalls discharging equipment and floor drain water or facility maintenance-related water.

Note 6: The effluent limitations and monitoring requirements for Temperature apply to outfalls discharging equipment-related cooling water.

B. Effluent Limitations and Monitoring Requirements (continued)

6. Samples taken in compliance with the monitoring requirements specified above shall be taken at a location that provides a representative analysis of the discharge. Where feasible, samples for an outfall shall be taken concurrently. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. Effluent sampling begins with the first complete quarter following the active date of permit coverage.

   If the facility contains two or more outfalls with substantially identical discharges, the permittee may sample the representative outfall once the outfalls are identified and updated as necessary in accordance with Part III.E (Optional Representative Outfall Sampling). The monthly DMR is to include a statement listing the other outfalls with discharges covered by the representative outfall sampling results.

   The selected representative outfall shall not be changed in future monitoring periods unless the outfall is eliminated or ceases to be representative. The Director may determine the outfalls are not representative and require sampling of all outfalls.

7. Solid materials shall be removed from the trash racks or intake screens and disposed of in accordance with the procedures developed in Part III.D.4 (Trash Racks or Intake Screens) of this permit. Installation of trash racks or other equipment to remove the solid materials is not a permit requirement.

8. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

9. The discharge shall not jeopardize any of the uses assigned to the receiving stream and shall not violate applicable water quality standards for the receiving water Class as defined by the

State of New Hampshire.

10. There shall be no discharge of floating solids, visible oil sheen or foam other than in trace amounts.

11. Discharges shall not cause the turbidity of the receiving waters to exceed naturally occurring conditions by more than 10 Nephelometric Turbidity Units (NTU).

12. The discharge shall not cause visible discoloration which would impair the uses designated by the classification of the receiving waters.

13. The discharge shall not contain materials in concentrations or in combinations which are hazardous or toxic to aquatic life or which would impair the uses designated by the classification of the receiving waters.

14. This permit does not allow for the addition of any chemical for any purpose to the discharges except for non-toxic neutralization chemicals. In addition, additives used to control biological growth in cooling water are prohibited due to their inherent toxicity to aquatic life.

    For each non-toxic neutralization chemical used the following data must be supplied with the Notice Of Intent letter to be covered by this general permit.

    (1) Name and manufacturer,
    (2) Maximum and average daily quantity used on a monthly basis as well as the maximum and average daily expected concentrations (mg/l) in the discharge, and
    (3) The vendor's reported aquatic toxicity (NOAEL and/or LC50 in % for typically acceptable aquatic organism).

    Notification of all substitutions of non-toxic neutralization chemicals must be sent to EPA and the State in writing. These written substitution notifications must contain the information required in Part I.B.14.(1)-(3) immediately above.

15. The New Hampshire State Permit Conditions require that all New Hampshire permittees shall comply with the following conditions which are included as State Certification requirements.

    a. The pH of the discharge shall be in the range of 6.5 to 8.0 standards units (S.U.) unless the upstream ambient pH in the receiving water is outside of this range and is not altered by the facility's discharge or activities. If the permittee's discharge pH is lower than 6.5 S.U., the permittee may demonstrate compliance by showing that the discharge pH is either higher than, or no more than 0.5 S.U. lower than, the ambient upstream river water pH. If the permittee's discharge pH is higher than 8.0 S.U., the permittee may demonstrate compliance by showing that the discharge pH is either lower than, or no more than 0.5 S.U. higher than, the ambient upstream river water pH. For this demonstration, the upstream river water sample must be collected on the same day as the discharge pH is measured. The location where the upstream ambient pH sample is collected must be representative of the upstream conditions unaffected by the facility's discharge(s) or activities.

    b. This NPDES Discharge Permit is issued by the EPA under Federal and State law. Upon final issuance by the EPA, the NHDES-WD may adopt this permit, including all terms and conditions, as a State permit pursuant to RSA 485-A:13. Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification,

suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of the Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation.

C. Unauthorized Discharges

1. The permittee is authorized to discharge in accordance with the terms and conditions of the permit in Part I. Discharges from any other point sources at the hydroelectric generating facility are not authorized.

2. New and increased discharges from hydroelectric generating facilities that may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat or that may adversely affect any federal managed species for which Essential Fish Habitat has been designated are not authorized under this general permit (see sections IV.G and M of the Fact Sheet).

D. Best Management Practices Plan

1. The permittee shall develop and implement a best management practices (BMP) plan for this hydroelectric generating facility. The BMP plan shall be prepared in accordance with good engineering practices, and except as provided elsewhere in this permit, shall provide for compliance with the terms of this permit and the plan, no later than 90 days after the active date of permit coverage. The objectives of the BMP plan are to minimize the potential for violations of the terms of the permit; to protect the designated water uses of the surrounding surface water bodies; to mitigate pollution from materials storage areas, in-plant transfers of hazardous and/or toxic materials, process and material handling areas, loading and unloading operations, and accidental spillage; and to manage the removal and disposal of solid materials, except for naturally occurring materials, from the trash racks or intake screens. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of discharges associated with day-to-day work activity at the facility from equipment and floor drain-related water, equipment and station maintenance-related water, and facility maintenance-related water during flood/high water events. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in discharges associated with work-related operations at the facility from equipment and floor drain-related water, equipment and station maintenance-related water, and facility maintenance-related water during flood/high water events; and to assure compliance with the terms and conditions of this permit. The BMP plan shall describe and provide for implementing practices to remove and to dispose of the solid materials, except for naturally occurring materials, from the trash racks or intake screens. The BMP plan shall include inspection and maintenance procedures for an installed backwash strainer. The BMP plan shall also contain a provision if the permittee elects to sample the discharge from a representative outfall at the facility. A permittee with flood/high water discharges authorized under Parts I.A.4 and 5, and B.4 and 5 of this permit shall also describe and develop specific flood/high water practices and procedures in a flood/high water BMP plan for the facility. The permittee must implement the provisions of the BMP plan required under this part as a condition of this permit. The requirements for the development of this plan are contained in Part III.

2. Annually, no later than February 15th, the permittee shall submit a certification to the State and EPA which states that the previous calendar year's inspections and maintenance activities were conducted, results recorded, and records maintained and the hydroelectric generating facility is

in compliance with the BMP Plan.

E. Monitoring and Reporting

Massachusetts: Monitoring results obtained during the previous three months shall be summarized for each calendar quarter and reported on separate Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the month following the completed reporting period. The reports are due on the 15th day of April, July, October, and January.

New Hampshire: Monitoring results obtained during the previous three months shall be summarized for each calendar quarter and reported on separate Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the month following the completed reporting period. The reports are due on the 15th day of April, July, October, and January.

The DMR reports and all reports required herein should be sent to EPA and to the appropriate State, according to the instructions below, at the following addresses:

1. EPA: Submit signed and dated original DMRs, certifications for the BMP Plan, and all other reports required herein at the following addressee: U.S. Environmental Protection Agency, Region I, Water Technical Unit (SEW), P.O. Box 8127, Boston, Massachusetts 02114-8127.

2. Massachusetts Department of Environmental Protection:

   a. The Regional Offices wherein the discharge occurs, shall receive a copy of the DMRs required herein:

      Massachusetts Department of Environmental Protection
      Western Regional Office
      436 Dwight Street, Suite 402
      Springfield, MA 01103

      Massachusetts Department of Environmental Protection
      Southeastern Regional Office
      20 Riverside Drive
      Lakeville, MA 02347

      Massachusetts Department of Environmental Protection
      Northeastern Regional Office
      One Winter Street
      Boston, MA 02108

      Massachusetts Department of Environmental Protection
      Central Regional Office
      627 Main Street
      Worcester, Massachusetts 01608

   b. Copies of all DMRs, certifications for the BMP Plan, and other notifications required by this permit shall also be submitted to the State at:

      Massachusetts Department of Environmental Protection
      Division of Watershed Management

627 Main Street, 2nd floor
Worcester, MA 01608

3. New Hampshire Department of Environmental Services: Signed copies of all reports and information required herein shall be submitted to the State at: New Hampshire Department of Environmental Services, Water Division, Wastewater Engineering Bureau, 29 Hazen Drive, P.O. Box 95, Concord, New Hampshire 03302-0095.

F. General NPDES Permit Conditions

1. Description of the Hydroelectric Generating Facility Discharges

Certain discharges at Hydroelectric Generating Facilities occur from similar type of operations, are similar in composition, and require the same effluent limitations and monitoring requirements. A Hydroelectric Generating Facility includes the generating station (station), dam(s), reservoir(s), canal system or tunnel system at certain facilities, and associated equipment and structures used in the generation of hydroelectric power. These discharges consist of the following:

a. Equipment-related cooling water from the following operations: noncontact cooling water and direct cooling water;

b. Equipment and floor drain water from the following operations: floor drains, trench drains, station sumps, oil/water separators (including oil flotation tanks and oil flotation wells), wheel pit drains or sumps, compressor blowdowns, equipment and seal leakage, lower guide bearing drains and other bearing-related discharges (including bearing seal leakage, bearing water seal, and bearing lubrication water), various pit drains such as the gate stems, turbine access doors, and scroll case access doors, and miscellaneous infiltration and seepage waters collected in a sump or an oil/water separator;

c. Maintenance-related water from the following operations: sump dewatering;

d. Facility maintenance-related water during flood/high water events from flood water pumps, high water sump pumps, and miscellaneous flood/high water collection devices including floor drains, siphon hoses, and access manway areas; and equipment-related backwash strainer water from the operation of the backwash strainer on the cooling water intake line; and

e. A combination of two or more of the following discharges identified in paragraphs 1.a, b, c, and d of this section: equipment-related cooling water, equipment and floor drain water(includes internal drainage system with a sump or an oil/water separator present) maintenance-related water, equipment-related backwash strainer water, and facility maintenance-related water during flood/high water events.

2. Geographic Coverage Area

a. Massachusetts (Permit No. MAG360000). All of the discharges to be authorized by this general NPDES permit for dischargers in the Commonwealth of Massachusetts are into all waters of the Commonwealth and Tribal Lands unless otherwise restricted by the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 (or as revised), including 314 CMR 4.04(3) Protection of Outstanding Resource Waters.

b. New Hampshire (Permit No. NHG360000). All of the discharges to be authorized by this general NPDES permit for dischargers in the State of New Hampshire are into all waters of the State of New Hampshire unless otherwise restricted by the State Water Quality Standards: see 50 RSA § 485-A:8 and the N.H. Code of Administrative Rules, Env-Wq 1700-1709 or as revised.

3. Exclusions

a. These general permits are not available to any facility discharging to an impaired water where the discharge of the pollutant causes or contributes to the impairment for which the receiving water is listed in the States' published 303(d) lists. The impaired waters require a TMDL according to the state's CWA section 303(d) list. This exclusion does not apply to facilities discharging: (1) oil and grease that is limited by the permit at the applicable water quality criteria or (2) pH within the range specified in permit as provided by the Massachusetts State Permit Conditions and New Hampshire Permit Conditions for each permit.

b. These general permits are not available to "New Source" dischargers as defined in 40 CFR §122.2.

c. These general permits are not available for new discharges to Class A waters or to Class SA waters in Massachusetts, or for discharges to Class A waters in New Hampshire.

d. These general permits are not available to facilities whose discharge(s) may adversely affect threatened or endangered species or its critical habitat.

e. These general permits are not available to any facility that the Director may require an individual permit based on consideration of a recommendation from the state.

G. Notice of Intent

1. All facilities that wish to be covered by this General Permit must submit a written Notice of Intent. For purposes of this General Permit, the Notice of Intent consists of either the suggested Notice of Intent form with the instructions in Attachment I of this permit or another form of official correspondence containing all of the information required in Parts I.G and H of this permit. Operators of facilities whose discharge, or discharges, are identified in Part I.F.1 above and whose facilities are located in the geographic area described in Part I.F.2. above, must submit a Notice of Intent to EPA, Region I to be covered by this general permit at the following address:

U.S. Environmental Protection Agency, Region I
Municipal Assistance Unit (CMU)
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

2. The Notice of Intent must include for each individual facility, the owner's and/or operator's legal name, address and telephone number; the facility name, address, contact name and telephone number; the number and type of facility (SIC code) to be covered; the facility location; the number of discharge points; the number of turbines and the combined turbine discharge (installed capacity) at maximum and minimum output, in cubic feet per second; and a

topographic quadrangle map indicating the facility location and discharge point(s). The outfalls should be grouped under the following categories corresponding with the discharges authorized by these permits: equipment-related cooling water; equipment and floor drain water; maintenance-related water; facility maintenance-related water during flood/high water events, and equipment-related backwash strainer water (see Parts I.A.1,2, 3, and 4; or Parts I.B.1, 2, 3,and 4); and then numbered sequentially. Outfalls discharging any combination of the following: equipment-related cooling water, equipment and floor drain water, maintenance-related water, equipment-related backwash strainer water, and facility maintenance-related water during flood/high water events (see Parts I.A.5 and B.5) are grouped and the sequential numbering continued. Provide for each outfall the latitude and longitude; the name(s) of the receiving waters into which discharge will occur; the operations contributing flow and the average flow from each operation (include units and appropriate notation if this value is a design value, estimate or not available); the treatment received by the discharge; and indicate if the discharge can be sampled at least once per year or sampled under the representative outfall sampling provisions (see Parts I.A.6 or B.6). Note if the outfall discharges intermittently or seasonally. Include a line drawing or flow schematic showing water flow through the facility including sources of intake water, operations contributing flow, treatment units, outfalls, and receiving waters(s); and antidegradation review for new or increased discharges (see section IV.B of the Fact Sheet).

3. Facilities that intend to be covered under these general permits must also submit a formal certification with the Notice of Intent that no chemical additives except those used for pH adjustment are used in their operations that contribute flow to the discharges.

4. A facility that intends to be covered under the Massachusetts general permit and that discharge to the Connecticut or Merrimack Rivers is eligible for coverage under this general permit if the facility meets one or more of the following Endangered Species Act (ESA) eligibility criteria:

   a. The applicant provides a formal certification with the Notice of Intent that indicates the previous consultation, with the National Marine Fisheries Service (NMFS), resulted in either a no jeopardy opinion or a written concurrence on a finding that the discharges are not likely to adversely affect the shortnose sturgeon or critical habitat. The applicant also provides information indicating the discharges to be authorized by this general permit are covered by this previous consultation and demonstrating no significant changes in these discharges have occurred since this consultation.

      EPA will consider a hydroelectric facility's previous ESA Section 7 consultation with NMFS under the following conditions: 1) the consultation covered the discharges to be authorized under the general permit; 2) no significant changes in these discharges have occurred since the previous consultation; and 3) this consultation resulted in either a no jeopardy opinion or a written concurrence by NMFS with a finding that the discharges are not likely to adversely affect the shortnose sturgeon or critical habitat.

   b. The discharges for coverage under this general permit have already been addressed in another operator's certification of the ESA eligibility. The applicant provides a copy of this operator's certification.

   c. Following submission of the applicant's Notice of Intent, informal consultation between EPA and NMFS under Section 7 of the ESA, results in a finding that the hydroelectric facility's discharges are not likely to adversely affect shortnose sturgeon or critical

habitat.

A facility that does not meet the ESA eligibility requirements in this part must apply for an individual NPDES permit.

5. The Notice of Intent must be signed in accordance with the signatory requirements of 40 CFR Section 122.22. Each facility must also submit a copy of the Notice of Intent with original signatures to the appropriate State authority listed in Parts I.E.2 and 3. Each facility located in Massachusetts must submit the appropriate information required in Part I.H.2.a.

   The facilities authorized to discharge under the final general permit will receive written notification from EPA Region I and the State. Failure to submit to EPA Region I a Notice of Intent to be covered and/or failure to receive from EPA written notification of permit coverage means that the facility is not authorized to discharge under this general permit.

H. Administrative Aspects

1. Facilities Eligible for Coverage. Hydroelectric Generating facilities within the geographic coverage area specified in Part I.F. are eligible for coverage under this general permit except for those facilities operated as pump storage projects. Hydroelectric Generating facilities operated as pump storage projects are eligible for coverage, on a case-by-case basis, after a State determination with EPA concurrence (see Section III of the Fact Sheet).

2. Request to be covered. A facility is not covered by any of this general permit until it meets the following requirements. First, it must send a Notice of Intent, with original signatures, to EPA and the appropriate State indicating it meets the requirements of the permit and wants to be covered. And second, it must be notified in writing by EPA that it is covered by this general permit. The Notice of Intent for this permit consists of either the suggested Notice of Intent form with the instructions in Attachment I of this permit or another form of official correspondence containing all of the information required in Parts I.G and H of this permit.

   a. Massachusetts: Copies of the State Application Form BRP WM 15, Request for General Permit coverage for Hydroelectric Generating facilities and the Transmittal Form for Permit Application and Payment, may be obtained from the Massachusetts Department of Environmental Protection (MassDEP) website at http://www.state.ma.us/dep/water. Questions on the form may be directed to any MassDEP Regional Service Center located in each Regional Office or to the MassDEP, Division of Watershed Management.

      A copy of the transmittal form, a copy of the check, and Form BRP WM 15 should be sent to MassDEP, Division of Watershed Management, 627 Main Street, Worcester, MA 01608. A copy of the transmittal form and the appropriate fee should be sent to MassDEP, P.O. Box 4062, Boston, MA 02111. Municipalities are fee-exempt, but should send a copy of the transmittal form to that address for project tracking purposes. A copy of Form BRP WM 15 should be sent to U.S. Environmental Protection Agency, Region I, Municipal Assistance Unit (CMU), 1 Congress Street, Suite 1100 Boston, Massachusetts 02114-2023. Keep a copy of the transmittal form and a copy of the application package for your records.

   b. New Hampshire: Provide the Notice of Intent to New Hampshire Department of

Environmental Services, Water Division, Wastewater Engineering Bureau, 29 Hazen Drive, P.O. Box 95, Concord, New Hampshire 03302-0095.

3. Eligibility to Apply: Any facility operating under an effective (unexpired) individual NPDES permit may request that the individual permit be revoked and that coverage under the general permit be granted, as outlined in 40 CFR § 122.28(b)(3)(v). If EPA revokes the individual permit, the general permit would apply to the discharge.

Facilities with expired individual permits that have been administratively continued in accordance with 40 CFR§ 122.6 may apply for coverage under this general permit. When coverage under the general permit is granted, the expired individual permit will automatically terminate. Proposed new dischargers may apply for coverage under this general permit and must submit the Notice of Intent 90 days prior to the discharge. A proposed new discharger to New Hampshire waters should contact the NHDES at the address in this part to determine if additional lead time is necessary.

4. Continuation of this General Permit after expiration: If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and in effect as to any particular permittee as long as the permittee submits a new Notice of Intent two (2) months prior to the expiration date in the permit. However, once this permit expires EPA cannot provide written notification of coverage under this general permit to any permittee who submits Notice of Intent to EPA Region I after the permit's expiration date. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

a. Reissuance of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
b. The permittee's submittal of a Notice of Termination; or
c. Issuance of an individual permit for the permittee's discharges; or
d. A formal permit decision by the Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

5. Monitoring Frequency Adjustment: The permittee may submit a written request to EPA for a reduction in the monitoring frequency of any pollutant, after completing 10 valid analytical test results that demonstrate compliance with the respective permit limits or that demonstrate no reasonable potential to cause or contribute to water quality standards violations. A summary of the monitoring data shall be included with this request. Until written notice is received by certified mail from the EPA indicating that the monitoring frequency requirement for a pollutant has been changed, the permittee is required to continue testing at the frequency specified in the permit. The monitoring frequency will not be changed to less than once per year.

6. Discharges Eligible for Coverage: Coverage under this general permit is restricted to the discharges at a facility that can be monitored at least once a year or that can be monitored using the representative outfall requirements in Parts I.A.6 or B.6.

I. Additional General Permit Conditions

1. Termination of Operations

Operators of facilities and/or operations authorized under this permit shall notify the Director upon the termination of discharges. The notice must contain the name, mailing address, and location of the facility for which the notification is submitted, the NPDES permit number for the discharge identified by the notice, and an indication of whether the discharge has been eliminated or the operator of the discharge has changed. The notice must be signed in accordance with the signatory requirements of 40 CFR §122.22.

2.When the Director May Require Application for an Individual NPDES Permit.

a. The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take such action. Instances where an individual permit may be required include the following:

(1) The discharge(s) is a significant contributor of pollution;
(2) The discharger is not in compliance with the conditions of this permit;
(3) A change has occurred in the availability of the demonstrated technology of practices for the control or abatement of pollutants applicable to the point source;
(4) Effluent limitation guidelines are promulgated for point sources covered by this permit;
(5) A Water Quality Management Plan or Total Maximum Daily Load containing requirements applicable to such point source is approved;
(6) Discharge to the territorial sea;
(7) Discharge to outstanding natural resource water;
(8) The discharge causes violations to the water quality standards of the receiving water or if actual or imminent harm to aquatic organisms is identified;
(9) The discharge adversely impacts any federal managed species for which Essential Fish Habitat has been designated;
(10) Discharge into waters that are not attaining state water quality standards; or
(11) The point source(s) covered by this permit no longer:
(a)Involves the same or substantially similar types of operations;
(b)Discharges the same types of wastes;
(c)Requires the same effluent limitations or operating conditions;
(d)Requires the same or similar monitoring; and
(e)In the opinion of the Director, is more appropriately controlled under a general permit than under an individual NPDES permit.

b. The Director may require an individual permit only if the permittee authorized by the general permit has been notified in writing that an individual permit is required, and has been given a brief explanation of the reasons for this decision.

3.When an Individual NPDES Permit may be Requested.

a. Any operator authorized to discharge under this general permit may request to be excluded from the coverage of this permit by applying for an individual permit in accordance with 40 CFR §122.28(b)(3)iii.

b. When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

J. Additional Permit Conditions Applicable to Specific States or Tribal Lands

Additional permit conditions applicable to specific States or Tribal Lands are not required subsequent to the State certification process and the public notice period.

K. Summary of Responses to Public Comments

EPA's "Response to Comments" document is attached.

(Note: the following documents are separate attachments to this permit.)

Part II. Standard Conditions - See attachment.

Part III. Best Management Practices (BMP) Plan- See attachment.

Attachment I. Suggested Notice of Intent, Form and Instructions - See attachment.